

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHRISTOS SOUROVELIS, DOILA WELCH,
NORYS HERNANDEZ, and NASSIR GEIGER
on behalf of themselves and all others similarly
situated,

Plaintiffs,

vs.

CITY OF PHILADELPHIA; MICHAEL A.
NUTTER, in his official capacity as Mayor of
Philadelphia; PHILADELPHIA DISTRICT
ATTORNEY'S OFFICE; R. SETH WILLIAMS,
in his official capacity as District Attorney of
Philadelphia; and CHARLES H. RAMSEY, in
his official capacity as Commissioner of the
Philadelphia Police Department,

Defendants.

Civil Action No. 2:14-cv-04687-ER

Assigned to
the Honorable Judge Robreno

Special Management Track

**SECOND JOINT MOTION TO EXTEND
DEADLINE FOR WRITTEN
DISCOVERY**

Pursuant to Federal Rule of Civil Procedure 26, Plaintiffs Christos Sourovelis, Doila Welch, Norys Hernandez, and Nassir Geiger ("Named Plaintiffs") on behalf of themselves and all others similarly situated (collectively "Plaintiffs"), Defendants City of Philadelphia, Mayor Michael A. Nutter, Police Commissioner Charles H. Ramsey ("City Defendants"), and the Philadelphia District Attorney's Office and District Attorney R. Seth Williams ("District Attorney Defendants"), (collectively, the "Parties"), respectfully submit this Second Joint Motion to Extend Deadline for Written Discovery until June 2, 2016. In support of their Motion, the Parties state as follows:

1. On January 27, 2016, the Court granted the Parties' motion to extend the deadline for written discovery on Claims 3, 4, 5, and 6 of the Amended Complaint to March 4, 2016. (Order, ECF No. 110.)

2. The Parties now request a 90-day extension to allow the Parties additional time to complete settlement negotiations on Claims 3, 4, and 6.

3. As noted in their Second Joint Motion to Extend Deadline for Written Discovery (ECF No. 109), the Parties have been negotiating a potential settlement that would—if executed by the Parties and approved by this Court on behalf of a settlement class—fully resolve Counts 3, 4, and 6 of the Amended Complaint.

4. Since the January 27 Order, the Parties have made substantial progress on a draft settlement agreement, which the Parties discussed during a March 2, 2015 teleconference. However, in order to finalize the agreement, the Parties will require additional time to resolve some remaining issues and perform due diligence.

5. Specifically, Plaintiffs require two categories of documents to finalize the agreement: (1) third-party documents from the First Judicial District; and (2) additional documents from the District Attorney Defendants. *See, e.g., Gay v. Tri-Wire Eng'g Sols., Inc.*, No. 12-cv-2231, 2014 WL 28640 at *6 (E.D.N.Y. Jan. 2, 2014) (holding that the procedural fairness of a settlement hinges, in part, on whether the parties “have engaged in the discovery . . . necessary [for] effective representation of the class’s interests”).

6. First, Plaintiffs require documents solely in the possession of the First Judicial District in order to settle Claims 3, 4, and 6. To that end, Plaintiffs, copying all parties, sent a letter to Judge Sheila Woods-Skipper of the First Judicial District on December 22, 2015, requesting documents related to the historical and newly implemented (as of January 2016) procedures for administering forfeiture and related proceedings.¹ The letter requested the documents by January 22, 2016, but asked for acknowledgment of receipt and provided that

¹ Out of respect for the First Judicial District, Plaintiffs’ counsel decided to initially send a letter request, rather than starting with a subpoena.

Plaintiffs' counsel stood ready to work with the First Judicial District to make the document-production process as convenient as possible. When Plaintiffs' counsel did not receive any response by January 15, 2016, she sent an email to confirm receipt of the letter and inquire when Plaintiffs might expect the documents. On January 19, 2016, Judge Woods-Skipper responded that Plaintiffs' request was "forwarded to the appropriate individuals" and that she would notify Plaintiffs' counsel "as soon as a response is received." On February 19, 2016, when Plaintiffs still did not receive a response, Plaintiffs' counsel emailed another follow-up inquiry. On February 25, 2016, Plaintiffs' counsel received a response from Deputy Court Administrator of Legal Services Dominic J. Rossi, advising that Plaintiffs should send a formal subpoena to obtain the requested documents. On March 1, 2016, Plaintiffs complied, serving the First Judicial District with a Rule 45 subpoena. The subpoena requests a response by March 15, 2016.

7. Second, the District Attorney Defendants plan to produce almost 1,800 pages of documents in a supplemental production. These documents will be relevant to both the settlement agreement and potentially Claim 5 regarding the alleged conflict of interest presented by law-enforcement officials' retention of forfeiture proceeds. The Parties are in the process of working out an Agreed Protective Order for this anticipated production. Once an agreement is reached, Plaintiffs will need sufficient time to review the production and follow up with any outstanding issues.

8. Finally, the Parties require additional time to gather, produce, and review documents, including voluminous budgetary information, necessary to litigate Claim 5.

9. Accordingly, the Parties respectfully request that written discovery be extended until June 2, 2016.

Dated: March 3, 2016

Respectfully submitted,

For Plaintiffs

By: /s/ Darpana M. Sheth

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CERTIFICATE OF SERVICE

I, Darpana Sheth, hereby certify that, on this 3rd day of March, 2016, true and correct copies of Second Joint Motion to Extend Deadline for Written Discovery were electronically filed using the Court's ECF system and sent via the ECF electronic notification system to the following counsels of record:

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